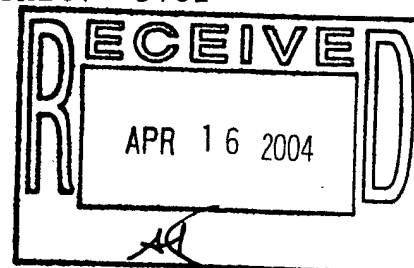


KCC 4845 (K-C 16,984)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Michael T. Morman, et al. Art Unit: 3761
Serial No.: 10/037,457
Filed: December 31, 2001
Confirmation No.: 4817
For: ALL DIRECTION STRETCHABLE MULTILAYER DIAPER
Examiner: Karin M. Reichle



April 16, 2004

PETITION REGARDING NON-RECEIPT OF OFFICE COMMUNICATION
37 C.F.R. 1.181(a)

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS,
Washington, D.C. 20231

SIR:

Applicants hereby petition for a waiver of the extension of time fee to respond to the Notice of Non-Compliant Amendment dated December 23, 2003 because the Notice was never received.

On December 31, 2001, Applicants' original attorneys of record filed the above-identified application. On April 3, 2002, Applicants filed a Declaration and Power of Attorney changing the attorneys of record to the attorneys of the undersigned law firm. On August 8, 2003, Applicants' undersigned attorneys received an Office action mailed August 5, 2003. The Office Action required a response within three months. On November 5, 2003, Applicant filed a timely response to the Office action.

On March 30, 2004, Applicants' attorneys performed a routine status check of the PAIR system to determine the status of the prosecution of the application. The status check of the PAIR system indicated that a Notice of Non-Compliant Amendment had been mailed by the Patent Office on December 23, 2003. This Notice has never been received in the mail.

On March 31, 2004, the undersigned contacted Examiner Karen Reichle regarding the status of the Notice of Non-Compliant Amendment. Although she did not generate the Notice, Examiner Reichle faxed a copy of the Notice to the undersigned. The

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Notice listed a one-month response time from the mailing date of the Notice with extensions of time available under 37 C.F.R.

1.136(a). A response to this Notice is being submitted herewith.

The Notice of Non-Compliant Amendment was not received at the office of Senniger, Powers, Leavitt & Roedel as indicated by a search of the file jacket and docket. When a communication is received by our office, response dates are immediately noted on our docketing form (see Exhibit A) by our docketing personnel, and the docketing form and communication are attached to the patent application file jacket. The response dates are then entered into the docketing database by the same individual so the dates appear on a computer generated docket circulated to all responsible attorneys and support staff. The application file is then forwarded to the attorneys responsible for the patent application. Each attorney confirms the due dates on the docketing form, and calendars the dates. The application file is then forwarded to the attorneys' secretaries so they may also calendar the due dates. The secretaries then file the communication in the application file jacket along with a copy of the docketing form and return a second copy of the docketing form to the docketing department.

The computer docketing record for this application does not include the response date to the communication. (See Exhibit B). Additionally, none of the responsible attorneys nor their secretaries had the date calendared in their personal dockets. The communication and the docketing form were not located upon searching the file jacket of the patent application. The docketing department also did not have a copy of the docketing form.

In view of the above, the undersigned submits that the Notice of Non-Compliant Amendment dated December 23, 2003, was not received by Applicants' attorneys. Rather than wait for the application to be abandoned, Applicants have filed an appropriate response to the Notice herewith. In view of the fact that the Notice was never received in the mail, Applicants' request that

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the extension of time fee for filing a response to the Notice within the third month from the shortened statutory period of the Notice be waived.

Applicants believe that no petition fee is required (See M.P.E.P. §711.03(c)). However, the Commissioner is hereby authorized to charge any fee required for the consideration of this petition to Deposit Account No. 19-1345 in the name of Senniger, Powers, Leavitt & Roedel.

Respectfully submitted,



Andrew N. Claerbout, Reg. No. 50,202
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

ANC/RLB/clh

VIA FACSIMILE - 703-305-5915

U.S. PATENT DOCKETING

FILE _____ ROUTED TO _____

☐ (CHECK HERE)

1. APPLICATION TO - BE - FILED
DATE

a. _____ * Potential Statutory Bar/Non-Confidential Disclosure
b. _____ * Continuation-In-Part/Divisional/Continuation
c. _____ * U.S. Claiming Priority-Foreign National (12 mo.)
d. _____ * U.S. Claiming Priority-PCT Chapter II (30 mo.)

_____ of _____
 Filed _____
 Priority _____

2. PENDING APPLICATION

a. _____ * Information Disclosure Statement (3 mo.) TBP
b. _____ Filing Receipt (4 Mo.)
c. _____ (6 mo.) _____ (4 mo.) _____ (2 mo.) LTC Foreign Filing
d. _____ * (12 mo.) _____ * (6 mo.) Foreign Filing RE Priority Claimed
e. _____ Recorded Assignment _____ * File Assignment (3 mo.)
f. _____ Status Check (1-4 year Anniversaries)
g. _____ * Convert to PRV
h. _____ * Response to Notice to File Missing Parts/Requirements
i. _____ * _____ * Response to Office action
(3 month) (6 month)
j. _____ * _____ * Response to Final Office action
(2 month) (3 month) (6 month)
k. _____ * Amended/Formal Drawings
l. _____ * Notice of Appeal
m. _____ * Appeal Brief
n. _____ * Reply Brief/or Request for Oral Hearing
o. _____ * Non-Provisional Application Due [_____ to Enable Foreign Filings]
(12 month) (9 month)
p. _____ * Other

Date _____

3. ALLOWED APPLICATION

Allowance Date _____

- a. _____ Amendment After Allowance (Rule 312)
b. _____ * Amended/Formal Drawings
c. _____ * Issue Fee
d. _____ * Early Payment of Issue Fee
e. _____ * Certified Priority Document (US National)
f. _____ * Request Patent Term Adjustment

4. ISSUED PATENT

Issue Date _____

- a. _____ * _____ * _____ * Maintenance Fees
- b. _____ * Broadened Reissue Declaration _____ * Expires _____

5. MISCELLANEOUS

(describe date) Date _____

- a. _____ Other _____
b. _____ Abandon _____
(Off Site _____ Retain _____) (Destruction Date _____) (File to Client _____)

Due Date(s) Entered in FDB and Computer by _____ on _____
 (docketer) (date)

Due Date(s) Confirmed by _____ on _____
 (attorney) (date)

Asterisk Item(s) Calendared by _____ on _____
 (attorney) (date)

Due Date(s) Changed in FDB and Computer by _____ on _____
 (docketer) (date)

All Items Calendared by _____ on _____
 (secretary) (date)

SPLR#	KCC4845		PRINTED ON:	4/1/2004
COUNTRY	US	UNITED STATES	TITLE	
NEW/CON	NEW	SERIAL#	10/037,457	ALL DIRECTION STRETCHABLE MULTILAYER DIAPER
RELATED		PATENT#		
TYPE	UTL	STATUS	PUBLISHED	
CLIENT	KCC	Kimberly-Clark Worldwide, Inc.	1	CREF 16,984
AGENT				AREF
PRIOR				12/31/2001
MAIL				12/31/2001
FILE				12/31/2001
PUBL				7/3/2003
ISSUE				
1ST				12/31/2001
EXP				12/31/2021

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL UP	1	2	P
	N	FILE ASSIGNMENT	12/31/2001	3M	3/31/2002	11	4/30/2002	1	4/3/2002	0M	Y	Y	Y
DS	N	INF DISCLOSURE STMT	12/31/2001	3M	3/31/2002	11	4/30/2002	1	4/10/2002	1M	Y	Y	Y
G2	N	MISSING PARTS (2 MO)	2/6/2002	2M	4/6/2002	51	9/6/2002	1	4/3/2002	1M	Y	Y	Y
recvd with acquired file - Schwegman recvd 2/14/02.													
FM	N	FORMAL DRAWINGS	2/6/2002	2M	4/6/2002	51	9/6/2002	1	4/3/2002	1M	Y	Y	Y
per notice of Missing Parts dated 2/6/02.													
FS	N	FILG RCPT STATUS CHK	12/31/2001	4M	4/30/2002		4/30/2002	0	2/11/2002	0M	Y	Y	Y
Updated filing receipt rec'd 5/6/02 and 6/4/02													
	N	LTC re DOC's for FF	12/31/2001	5M	5/31/2002	14	9/30/2002	1	9/6/2002	0M	Y	Y	Y
per RLB 7/15/02 dds update; extend to 9/30/02 per client instructions.													
AS	N	ASSIGNMENT	12/31/2001	12M	12/31/2002		12/31/2002	0	6/19/2002	0M	Y	Y	Y
FO	N	FOREIGN FILING DUE	12/31/2001	12M	12/31/2002		12/31/2002	0	12/31/2002	3M	Y	Y	Y
CLIENT TO FILE 9/12/02 agent instructed to file in Argentina (4845.2); PCT (4845.1) to be filed closer to deadline.													
SC	N	STATUS CHECK	12/31/2001	12M	12/31/2002	0	12/31/2002	0	12/30/2002	1M	Y	Y	Y
AN	Y	AMEND PUBLICATION	7/3/2003										
DELETE PER KFJ													
PU	N	PUBLICATION	7/3/2003	0M	7/3/2003	13	10/3/2003	1	7/3/2003	1M	Y	Y	Y
Per PTO projection, updated filing receipt. Done 7/15 per CMG. Notice of Publication rec'd 7/21/03													
	Y	RPT CITES -US/AU/IL	8/5/2003										
DELETE PER RLB													
RE	N	RESPONSE TO OA	8/5/2003	3M	11/5/2003	31	2/5/2004	1	11/5/2003	1M	Y	Y	Y
[recvd 8/8/03]													
FM	N	FORMAL DRAWINGS	8/5/2003	3M	11/5/2003		11/5/2003	0	11/5/2003	1M	Y	Y	Y
[required per OA dated 8/5/03]													
SC	N	STATUS CHECK	12/31/2001	27M	3/31/2004	0	3/31/2004	0	3/30/2004	1M	Y	Y	Y
Per Status letter rec'd from PTO 4/7/03 (dtd 4/1/03) - application will be first examined in 5 to 8 months PAIR CK DONE 3/30/04, PTO notice of non-compliance found, not received/ call to examiner.													
SC	N	STATUS CHECK	12/31/2001	32M	8/31/2004	0	8/31/2004	0		1M	Y	Y	Y
SC	N	STATUS CHECK	12/31/2001	48M	12/31/2005	0	12/31/2005	0		1M	Y	Y	Y

INVENTORS

MICHAEL T. MORMAN

THOMAS H. ROESSLER

ASSIGNEES

Kimberly-Clark Worldwide, Inc.

USER-DEFINABLE FIELDS		PATENT FIELDS			
ART	4	SMALL ENTITY	No	ART UNIT	3761
LOC		CLAIMS		EXAMINER	
PBL#	US 2003/0125696 A1	PUBLICATION#		CONFIRM#	4817

P92849US00 ENTERED 3/26/2002 MODIFIED 4/1/2004 BY BAP ATTORNEYS RLB / CMG / ZZZ

NOTES

ACQUIRED BY SPLR 3/25/02

12/31/01 filed by Schwegman, Lundberg, Woessner & Kluth, P.A.; with specification, abstract, drawings, unexecuted decl/pwr, no filing fee.

Recvd with missing parts and drawing requirement due.

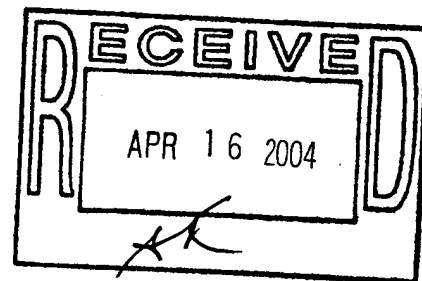
Rec'd from PTO 6/4/02 - Revocation of Power of Attorney change - (in response to POA filed 4/23/02)

Foreigns: filed 9/12/02 in AR; pct 12/10/02; 1/23/04 in KR, MX, EPC.

KCC 4845 (K-C 16,984)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Michael T. Morman, et al. Art Unit: 3761
Serial No.: 10/037,457
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Confirmation No.: 4817
For: ALL DIRECTION STRETCHABLE MULTILAYER DIAPER
Examiner: Karin M. Reichle



April 16, 2004

RESPONSE TO NOTICE OF NON-COMPLIANT
AMENDMENT (37 C.F.R. 1.121)

TO THE COMMISSIONER FOR PATENTS,

SIR:

In response to a Notice of Non-Compliant Amendment having a mailing date of December 23, 2003, Applicants submit the attached listing of claims. The listing of claims includes a complete listing of all the claims in ascending numerical order. This listing of claims is submitted to replace the listing of claims on pages 11-18 of Amendment B mailed November 5, 2003. The listing of claims has been corrected to include the listing of cancelled claims 1-43.

The Notice of Non-Compliant Amendment was apparently lost in the mail and its existence was discovered by a routine status check by the undersigned on March 31, 2004. A Petition to Waive the Extension of Time Fee for this submission is being submitted herewith. Accordingly, Applicants believe that no extension of time fee is required for this submission.

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In the event that the accompanying Petition is denied or some other fee is deemed to be required, the Commissioner is hereby authorized to charge such fee to Deposit Account No. 19-1345 in the name of Senniger, Powers, Leavitt & Roedel.

Respectfully submitted,



Andrew N. Claerbout, Reg. No. 50,202
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St. Louis, Missouri 63102
(314) 231-5400

ANC/RLB/clh

VIA FACSIMILE - 703-305-5915

KCC 4845 (K-C 16,984)
PATENTIN THE CLAIMS

1-43 (Cancelled).

44 (Currently amended). A disposable absorbent article comprising:

a stretchable multilayer chassis having a longitudinal axis, a lateral axis, an inner surface ~~and~~, an outer surface and a width; said chassis being stretchable at least laterally; and

an absorbent body having an inner surface ~~and~~, an outer surface and a width that is less than the width of the chassis, said absorbent body being affixed along at least a portion of its outer surface to the inner surface of said chassis [such that] whereby the inner surface of the absorbent body lies against [the] a wearer of the article during use, said chassis being stretchable about the wearer independent of the absorbent body.

45 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 44 wherein said article is a diaper.

46 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 44 wherein the absorbent body is affixed to the stretchable multilayer chassis in at least one of a lateral attachment pattern and a longitudinal attachment pattern.

47 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 46 wherein the outer surface of the absorbent body has a surface area, ~~less than 95% of which~~ wherein about 25% to about 95% of said surface area is

5 affixed to the inner surface of the stretchable multilayer chassis.

48-49 (Cancelled).

50 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 44 wherein the stretchable multilayer chassis comprises a chassis liner and an outer cover, said chassis liner defining the inner surface of said chassis and said outer cover defining the outer surface of said chassis.

51 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 50, wherein the chassis liner and the outer cover are each extensible.

52 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 50 wherein the chassis liner and the outer cover are each elastic.

53 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 50 wherein the chassis liner is extensible and the outer cover is elastic.

54 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 50 wherein the chassis liner is elastic and the outer cover is extensible.

55 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 50 wherein the chassis liner comprises a neck-stretched, spunbond web.

56 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 50 wherein the outer cover

comprises an elastic material that is stretchable both laterally and longitudinally by about 25% to about 125%.

57 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 50 wherein the outer cover comprises an elastic material that is stretchable both laterally and longitudinally by about 100% to about 200%.

58 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 50 wherein the outer cover comprises an elastic material that is stretchable both laterally and longitudinally by about 150% to about 250%.

59 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 50 wherein the outer cover comprises polypropylene spunbond material laminated with styrene-isoprene-styrene-based adhesive.

60 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 50 wherein the outer cover comprises at least one of the following: a microporous polymer film, a nonwoven fabric, a spunbonded laminate, a meltblown laminate, a spunbond-meltblown-spunbond laminate, and a stretch-bonded laminate.

61 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 50 wherein the outer cover comprises a thermoplastic nonwoven web made from a stretchable polymer.

62 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 61 wherein the stretchable polymer is selected from the following: polyolefins,

polyethylene, heterophasic polymers, olefin polymers and
5 multi-block elastomeric copolymers.

63 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 44 wherein the absorbent body comprises at least an absorbent core.

64 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 63 wherein the absorbent body further comprises at least one of a tissue wrapsheet and an absorbent body liner.

65 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 63 wherein the absorbent core comprises a matrix of hydrophilic fibers and superabsorbent material.

66 (Previously presented). A disposable absorbent article having a longitudinal axis and a lateral axis, said article comprising:

- 5 a stretchable multilayer chassis having an inner surface and an outer surface, said chassis comprising:
 - a chassis liner defining the inner surface of the chassis and being stretchable at least laterally; and
 - an outer cover secured to the chassis liner and defining the outer surface of the chassis, said outer cover
- 10 being stretchable at least laterally;
 - an absorbent body comprising:
 - an absorbent core;
 - a tissue wrapsheet wrapped about the absorbent core;
 - and
- 15 a surge management layer; and
- an absorbent body liner secured at least in part to

the chassis liner, said absorbent body being disposed between the absorbent body liner and the chassis liner with the surge management layer disposed between the tissue wrapsheet and the
20 absorbent body liner.

67 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 66 wherein the absorbent body is affixed to the stretchable multilayer chassis in at least one of a lateral attachment pattern and a longitudinal attachment pattern.

68 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 66 wherein the absorbent body has an outer surface, the absorbent body being affixed along at least a portion of its outer surface to the chassis liner.

69 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 68 wherein the outer surface of the absorbent body has a surface area, ~~less than 95% of which~~ wherein about 25% to about 95% of said surface area is
5 affixed to the chassis liner.

70-71 (Cancelled)

72 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 66, wherein the chassis liner and the outer cover are each extensible.

73 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 66 wherein the chassis liner and the outer cover are each elastic.

74 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 66 wherein the chassis liner is extensible and the outer cover is elastic.

75 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 66 wherein the chassis liner is elastic and the outer cover is extensible.

76 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 66 wherein the chassis liner comprises a neck-stretched, spunbond web.

77 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 66 wherein the outer cover comprises an elastic material that is stretchable both laterally and longitudinally by about 25% to about 125%.

78 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 66 wherein the outer cover comprises an elastic material that is stretchable both laterally and longitudinally by about 100% to about 200%.


79 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 66 wherein the outer cover comprises an elastic material that is stretchable both laterally and longitudinally by about 150% to about 250%.

80 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 66 wherein the outer cover comprises polypropylene spunbond material laminated with styrene-isoprene-styrene-based adhesive.

81 (Currently amended). [[A]] The disposable absorbent article [[as]] set forth in claim 66 wherein the outer cover

comprises at least one of the following: a microporous polymer
films film, a nonwoven fabrics fabric, a spunbonded laminate, a
5 meltblown laminate, a spunbond-meltblown-spunbond laminate, and
a stretch-bonded laminate.

82 (Currently amended). [[A]] The disposable absorbent
article [[as]] set forth in claim 66 wherein the outer cover
comprises a thermoplastic nonwoven web made from a stretchable
polymer.

 83 (Currently amended). [[A]] The disposable absorbent
article [[as]] set forth in claim 82 wherein the stretchable
polymer is selected from the following: polyolefins,
polyethylene, heterophasic polymers, olefin polymers and
5 multi-block elastomeric copolymers.

84 (Currently amended). [[A]] The disposable absorbent
article [[as]] set forth in claim 66 wherein the absorbent body
comprises at least one of a non-stretch material and a low
stretch material.


85 (Currently amended). [[A]] The disposable absorbent
article [[as]] set forth in claim 66, wherein the absorbent
core comprises a matrix of hydrophilic fibers and
superabsorbent fibers.

86. (New). A disposable absorbent article comprising:
a stretchable chassis having an inner surface and an outer
surface; and

an absorbent body having an outer surface and an inner
5 surface adapted for contiguous relationship with a wearer of
the article, the absorbent body being affixed along at least a
portion of its outer surface to the stretchable chassis, the

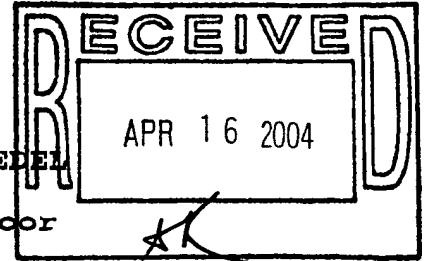
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PATENT

absorbent body and the stretchable chassis being configured and
arranged relative to each other for contiguous relationship of
10 at least a portion of the inner surface of the stretchable
chassis with the wearer of the article.



87. (New). The disposable absorbent article set forth in
claim 86 wherein the absorbent body comprises an absorbent core
and an absorbent body liner covering at least a portion of the
absorbent core for contiguous relationship with the wearer of
5 the article.

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FACSIMILE TRANSMITTAL COVER SHEET

DATE: April 16, 2004 ATTORNEY DOCKET NUMBER: KCC 4845
DELIVER THIS FACSIMILE TO: Andy Kashnikov
PTO FACSIMILE NUMBER: 703-305-5915
THIS FACSIMILE IS BEING SENT BY: Andrew N. Claerbout
NUMBER OF PAGES: 17 INCLUDING COVER SHEET
TIME SENT: 4:20pm OPERATOR'S NAME Christie Hartmann

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Christie L. Hartmann
Typed or printed name of person signing certification
Christie L. Hartmann April 16, 2004
Signature Date

Type of paper transmitted: Response to Notice of Non-Compliant
Amendment (37 C.F.R. 1.121), Listing of claims on pages 11-18 of
Amendment B, Petition Regarding Non-Receipt of Office Communication
37 C.F.R. 1.181(a), Exhibit A, and Exhibit B
Applicant's Name: Michael T. Morman, et al.
Serial No. (Control No.): 10/037,457 Examiner: Karin M. Reichle
Filing Date: December 31, 2001
Application Title: ALL DIRECTION STRETCHABLE MULTILAYER DIAPER

IF YOU DO NOT RECEIVE ALL PAGES CLEARLY, CALL BACK AS SOON AS POSSIBLE. CONFIRMING NUMBER IS (314) 231-5400.